

Memorandum



Office of the Clerk Northern District of Indiana

TO: All U.S. Attorney Staff, Community Defender Staff, CJA Panel
Attorneys and Probation/Pretrial Services Staff

FROM: Stephen R. Ludwig, Clerk

DATE: March 30, 2011

SUBJECT: PSI Report Filing Procedures

On Monday, April 4, 2011, the Northern District of Indiana will implement the filing of certain restricted documents regarding PSI Reports into the CM/ECF database. The events, restriction levels and procedures are outlined below:

Filing Draft PSI Reports in ECF

- a. A Probation officer will file the Draft PSI Report in CM/ECF and the system will serve it on the appropriate parties, set deadlines for parties to file objections, notify the parties of those deadlines and provide e-mail and fax information for the probation officer to whom objections should be sent.
- b. A docket entry will appear in CM/ECF for anyone to view, but judges/chambers will be restricted from viewing the document and will not receive an e-mail notice of electronic filing (NEF). Only Probation and the appropriate parties will receive an NEF and have access to view the document. Other defense counsel in multi-defendant cases, the clerk's office and the public will also be restricted from viewing the document.
- c. A docket entry for a Draft PSI Report will look like this:

DRAFT PRESENTENCE INVESTIGATION REPORT as to **Mickey Mouse**.

NOTE: This document will only be accessible to the government attorney and the attorney for the applicable defendant. The judge in this case, other defendants and the general public will NOT be able to view this draft document. For parties entitled to a free look at this document, enter your CM/ECF login and password to confirm your right to view this document. Parties should submit objections to this

report directly to the probation officer listed at the end of this docket entry.
IMPORTANT!!! Government attorneys and federal community defenders should send objections by SECURE E-MAIL to the probation officer; private attorneys and CJA panel attorneys MUST send objections by FAX ONLY! Government Objections to the Draft Presentence Investigation Report are due not later than 4/13/2011 pursuant to Rule 32 and General Order of the Court 2001-1. Defendant Objections to the Draft Presentence Investigation Report are due not later than 4/13/2011 pursuant to Rule 32 and General Order of the Court 2001-1. (USPO Martin - lesley_martin@innp.uscourts.gov, fax 123-456-7890) (Entered: 03/30/2011)

Filing Objections to the Draft PSI Reports in ECF

- a. Government attorneys and federal community defenders will send any objections to the Draft PSI Report by secure e-mail to the Probation officer in PDF format. Private attorneys and CJA panel attorneys will send objections to the probation officer by fax. E-mail addresses and fax numbers for probation officers will appear at the end of docket entries made by each officer.
- b. Probation will file those objections in CM/ECF, and the system will serve them on the appropriate parties, again without notification to chambers. These filings will also satisfy the objection deadline(s) set in the Draft PSI Report.
- c. Again, a docket entry will appear in CM/ECF of the objections for anyone to view, but judges/chambers would be restricted from viewing the document and would not receive an e-mail notice of electronic filing (NEF). Only Probation and the appropriate parties will receive an NEF and have access to view the document. Other defense counsel in multi-defendant cases, the clerk's office and the public will also be restricted from viewing the document.
- d. A docket entry for Objections to a Draft PSI Report will look like this:

OBJECTION TO DRAFT PRESENTENCE INVESTIGATION REPORT by United States of America re 9 Draft Presentence Investigation Report. Access to this document is available only to the following parties: United States of America, Mickey Mouse. The judge in this case, other defendants and the general public will NOT be able to view this document. (USPO Martin - lesley_martin@innp.uscourts.gov, fax 123-456-7890) (Entered: 03/30/2011)

Filing Final PSI Reports in ECF

- a. A Probation officer will file the Final PSI Report in CM/ECF and the system will serve it on the appropriate parties and send an e-mail notice of electronic filing (NEF) to the assigned judge/chambers.
- b. A docket entry will appear in CM/ECF for anyone to read.
- c. Judge/chambers, Probation and the appropriate counsel will have **full access** to the Final PSI Report. However, other defense counsel in multi-defendant cases, the clerk's office and the public will be restricted from viewing the document.
- d. The Final PSI Report will be a permanent part of the official court record for Appeal purposes.
- e. Should a judge/chambers want a paper copy of the PSI Report, it can be printed in chambers or they can request a paper copy from Probation.
- f. A docket entry for a Final PSI Report will look like this:

FINAL PRESENTENCE INVESTIGATION REPORT as to **Mickey Mouse**.

NOTE: This document will only be accessible to appropriate court staff, the government attorney and the attorney for the applicable defendant. Other defendants in the case and the general public will NOT be able to view this document. **For parties entitled to a free look at this document, enter your CM/ECF login and password to confirm your right to view this document.** (USPO Martin - lesley_martin@innp.uscourts.gov, fax 123-456-7890) (Entered: 03/30/2011)

Filing Objections to the Final PSI Report

- a. Counsel will file any objections to the **FINAL** PSI Report in CM/ECF, the system will serve them on the appropriate parties and send an e-mail notice of electronic filing (NEF) to the assigned judge/chambers.
- b. A docket entry will appear in CM/ECF of the objections for anyone to read.
- c. Judge/Chambers, Probation and the appropriate counsel will have **full access** to any objections to the **FINAL** PSI Report. However, other defense counsel in multi-defendant cases and the public will be restricted from viewing the document.
- d. A docket entry for Objections to a Final PSI Report will look like this:

OBJECTION TO FINAL PRESENTENCE INVESTIGATION REPORT by Mickey Mouse re 11 Final Presentence Investigation Report, (Access to this document is available only to court staff and the following parties: United

Addendum to Final PSI Report

- a. A Probation officer will file any Addendum to the Final PSI Report in CM/ECF and the system will serve it on the appropriate parties and send an e-mail notice of electronic filing (NEF) to the assigned judge/chambers.
- b. A docket entry will appear in in CM/ECF of the Addendum to FINAL PSI Report for anyone to read.
- c. Judge/Chambers, Probation and the appropriate counsel will have **full access** to any Addendum to the **FINAL** PSI Report. However, other defense counsel in multi-defendant cases, the clerk's office and the public will be restricted from viewing the document.
- d. A docket entry for Addendum to a Final PSI Report will look like this:

ADDENDUM TO FINAL PRESENTENCE INVESTIGATION REPORT re 11 Final Presentence Investigation Report, as to **Mickey Mouse**. NOTE: This document will only be accessible to appropriate court staff, the government attorney and the attorney for the applicable defendant. Other defendants in the case and the general public will NOT be able to view this document. **For parties entitled to a free look at this document, enter your CM/ECF login and password to confirm your right to view this document.** (USPO Martin - lesley_martin@innp.uscourts.gov, fax 123-456-7890) (Entered: 03/30/2011)

Sentencing Recommendation

- a. A Probation officer will file the Sentencing **Recommendation** to the Final PSI Report in CM/ECF.
- b. The docket entry to the Sentencing **Recommendation** will be visible only to court users, not to parties or the general public.
- c. No Notice of Electronic Filing (NEF) will be generated to the parties by the CM/ECF system.
- d. Judge/Chambers and Probation only (no attorneys) will have full access to the Sentencing **Recommendation**.